

Effective 5/13/2014

Part 12
Facilitating Business Rapid Response to State Declared Disasters Act

53-2a-1201 Title.

This part is known as the "Facilitating Business Rapid Response to State Declared Disasters Act."

Enacted by Chapter 376, 2014 General Session

53-2a-1202 Definitions.

As used in this part:

- (1) "Declared state disaster or emergency" means a declared disaster as defined in Section 53-2a-602.
- (2) "Disaster- or emergency-related work" means repairing, renovating, installing, building, rendering services, or other business activities that relate to infrastructure that has been damaged, impaired, or destroyed by a declared state disaster or emergency.
- (3) "Disaster period" means a period that begins within 10 days after the first day of a declared state disaster or emergency and that extends for a period of 60 calendar days after the end of the declared state disaster or emergency.
- (4) "Infrastructure" means property and equipment owned or used by communications networks, electric generation systems, transmission and distribution systems, gas distribution systems, water pipelines, and related support facilities that serve multiple customers or citizens, including real and personal property, such as buildings, offices, power and communication lines and poles, pipes, structures, and equipment.
- (5) "Out-of-state business" means a business entity that:
 - (a) has no presence in the state, other than any prior disaster- or emergency-related work, and conducts no business in the state, and whose services are requested by a registered business or by a state or local government for purposes of performing disaster- or emergency-related work in the state; and
 - (b) has no registration or tax filings or presence sufficient to require the collection or payment of a tax in the state prior to the declared state disaster or emergency.
- (6) "Out-of-state employee" means an employee who does not work in the state, except for disaster- or emergency-related work during the disaster period.
- (7) "Registered business" means a business entity that is currently registered to do business in the state prior to the declared state disaster or emergency.

Enacted by Chapter 376, 2014 General Session

53-2a-1203 Business and employee status during disaster period.

- (1) Notwithstanding any other provision, an out-of-state business that conducts operations within the state for purposes of performing work or services related to a declared state disaster or emergency during the disaster period:
 - (a) is not considered to have established a level of presence that would require that business to be subject to any state licensing or registration requirements, provided that the out-of-state business is in substantial compliance with all applicable regulatory and licensing requirements in its state of domicile, including:

- (i) unemployment insurance;
- (ii) state or local occupational licensing fees;
- (iii) public service commission regulation; or
- (iv) state or local licensing or regulatory requirements; and
- (b) is exempt from the registration requirements under Title 16, Corporations, Title 42, Names, and Title 48, Partnership; and
- (c) shall, within a reasonable time after entry, upon the request of the Labor Commission or the Department of Insurance, confirm that it is in compliance with Subsections 34A-2-406(1)(a), (1)(b), and (2).
- (2) Notwithstanding any other provision, an out-of-state employee who performs disaster- or emergency-related work specific to a declared state disaster or emergency during the disaster period is not subject to any state licensing or registration requirements provided that the out-of-state employee is in substantial compliance with all applicable regulatory and licensing requirements in the employee's state of residence or state of employment.
- (3)
 - (a) Income taxation related to an out-of-state employee or an out-of-state business is as provided in:
 - (i) Title 59, Chapter 7, Corporate Franchise and Income Taxes; and
 - (ii) Title 59, Chapter 10, Individual Income Tax Act.
 - (b) Sales and use taxation during a disaster period is as provided in Title 59, Chapter 12, Sales and Use Tax Act.
 - (c) Any property brought into the state temporarily during the disaster period is not subject to any state or local ad valorem taxes under Title 59, Chapter 2, Property Tax Act.

Enacted by Chapter 376, 2014 General Session

53-2a-1204 Business or employee activity after disaster period.

Any out-of-state business or out-of-state employee that remains in the state after the disaster period will become subject to the state's normal standards for establishing presence or residency, or doing business in the state.

Enacted by Chapter 376, 2014 General Session

53-2a-1205 Administration -- Notification and procedures.

- (1) Any out-of-state business that enters the state shall, within a reasonable time after entry, not to exceed 30 days, provide to the Division of Occupational and Professional Licensing a statement that it is in the state for purposes of responding to the disaster or emergency, which statement shall include the business's:
 - (a) name;
 - (b) state of domicile;
 - (c) principal business address;
 - (d) federal tax identification number;
 - (e) date of entry;
 - (f) contact information; and
 - (g) evidence of compliance with the regulatory or licensing requirements in Section 53-2a-1203, such as a copy of applicable permits or licenses.
- (2) Any affiliate of a registered business in the state and any out-of-state business that is registered as a public utility in another state and that is providing assistance under the terms of a utility

multistate mutual aid agreement shall not be required to provide the information required in Subsection (1), unless requested by the Division of Occupational and Professional Licensing within a reasonable period of time.

- (3) An out-of-state business or an out-of-state employee that remains in the state after the disaster period shall complete state and local registration, licensing, and filing requirements that establish the requisite business presence or residency in the state.
- (4) The Division of Occupational and Professional Licensing shall:
 - (a) make rules necessary to implement Subsection (3);
 - (b) develop and provide forms or online processes; and
 - (c) maintain and make available an annual report of any designations made pursuant to this section.

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